



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,887	01/19/2005	Jorge Abellan Sevilla	09669/046001	8856

22511 7590 01/29/2007
OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

EXAMINER

KERZHNER, ALEKSANDR

ART UNIT	PAPER NUMBER
----------	--------------

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/521,887

Applicant(s)

SEVILLA, JORGE ABELLAN

Examiner

Aleksandr Kerzhner

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Therefore, the "synchronization step", "step of reading the synchronization object", "setting step", "receiving step", and "execution step" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Also, the comparison of synchronization object must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 2112

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show:

1) "EF (Elementary File) of the user's card CAR" mentioned on page 4, line 20 as described in the specification. And,

2) "ADN file" mentioned on page 6, line 21 as described in the specification.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

Art Unit: 2112

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because: On page 7 of the specification, lines 1-4, applicant states a specific embodiment not shown in the drawings in which the following step would be Step 3("In this case, the following step is Step 3"). Therefore, it follows that Step 3 is not always the step that follows Step 2. In particular, case described on lines 19-27 of the specification states Step 2 as a terminal step ("Then, in this case, the synchronization process is finished"). However, drawings (Figure 2) show Step 3 always following Step 2, which is inconsistent with the disclosure. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

Art Unit: 2112

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Art Unit: 2112

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it contains legal phraseology. See "said", lines 3,5, and 8 of the abstract, and "means", line 4.

Correction is required. See MPEP § 608.01(b).

Furthermore, on line 7: "forsetting" is a misspelling of "for setting."

Appropriate correction is required.

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Examiner suggests including removable device in the title.

7. The disclosure is objected to because of the following informalities:

On page 2, line 8 "ChangeLog" is misspelled to "ChangLog."

On page 2, line 12 "acknowledgments" is misspelled to "acknowledges."

On page 2, line 23 plural "modes" should be used instead of singular "mode."

On page 4, line 2 "schematic view a system" should state "schematic view of a system."

Art Unit: 2112

On page 5, line 17 use of "CARD" is an inconsistent way to refer to smartcard, smartcard is also referred to as "CAR" elsewhere in the specification.

On page 6 of the specification, line 23 "[SLB3]to" is stated, "[SLB3]" is nowhere else explained please consider removing it or clarifying it further.

On page 7, line 15 "needed" is misspelled as "need it."

On page 9, line 12 "removable device MOB" should read "removable device CAR" as removable device is referred to as CAR elsewhere in the specification.

Appropriate correction is required.

Claim Objections

8. Claims 1,2,8,9,10 and 11 objected to because of the following informalities: The term "affected" presents an awkward construction. See for example: line 8 of claim 1.

Appropriate correction is required.

9. Claim 1 is objected to because of the following informalities:

1) On line 8, "object" is misspelled "objecting".

2) On line 4, it is unclear what "characterized in that" refers to (system, smartcard or the method).

10. Regarding claims 1-11: Examiner notes format of annotating the deletion to be distracting and suggests applicant cancels all current claims and presents them as all new claims beginning with 14 not including amending punctuation.

Art Unit: 2112

11. Claims 1 and 10 are objected to because of the following informalities:

The following claim format is suggested as provided in 37 CFR 1.75(i):

Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

See MPEP § 608.01(i).

12. Claim 2 is objected to because of the following informalities: On line 4 of the claim, "compares" should instead state "comparing". Appropriate correction is required.

13. Claims 8 and 9 are objected to because of the following informalities: On line 4, it is unclear what "characterized in that" refers to (removable device, system, first database or second database). Appropriate correction is required.

Claim Rejections - 35 USC § 101

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. Claims 1-7 and 10-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims must produce a result that is useful, concrete and tangible.

Regarding claim 1 the result of "defining" is intangible because it merely creates an object in memory, an operation that would be undetectable by a user. Typically, tangible results include "displaying" a result to a user or "storing" a result in memory.

Regarding claim 2, claim fails to resolve the deficiencies of claim 1. If the synchronization objects do not match then no further step is performed and deficiencies

Art Unit: 2112

of claim 1 still exist. Further, if the synchronization objects do match, because of the definition applicant gives in the specification for the database and record it is possible to regard them as software per se. Claim 1 recites that at least one of the databases is stored in a removable device, however, modifications can be applied to the second database that is not necessarily stored on a storage medium. Therefore when a record is "modified" it is not necessarily stored in memory, making the result intangible.

Regarding claims 6 and 13, claims fails to resolve the deficiencies of claim 1, because synchronization object is "affected" to a database and is not necessarily stored on a medium. Hence the result of "replacing" a synchronization object by a new one is intangible.

Regarding claims 10-12, claims are not statutory, directed to software, per se, lacking storage on a medium that enables any underlying functionality to occur. Further they are intangible as described in the rejection of claims 1 above.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 112

16. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

17. Claims 6 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which

Art Unit: 2112

was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. On the last two lines of each claim applicant claims a, "new synchronization object being able to detect further modifications since the current synchronization." A similar statement referring to the synchronization object appears in the specification on page 9, lines 12-15. However, on page 4 of the specification, lines 20 -24 applicant attributes this functionality to the smartcard. Furthermore, on page 5, lines 20-26 applicant states, "the smartcard CAR will replace the last synchronization object by the new one, and will be henceforth able to detect further modifications in the database DB1." Similarly on page 7, lines 21-22 applicant states, "once this command is performed, the smartcard will be able to detect changes henceforward performed." See also page 7, line 25. It is therefore believed by the examiner that specification describes removable card CAR as being able to detect further modification by reading synchronization objects. Application does not enable one skilled in the pertinent art to grasp how synchronization object can be able to detect its own modification.

18. Claims 1-13 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. All claims refer to the "synchronization object". Synchronization object as such is not enabled by the disclosure.

Art Unit: 2112

Regarding claims 1,3 and 8-11, synchronization object is claimed to define the last time synchronization was made. Because synchronization object or an exemplary embodiment thereof is not described in the specification, a person having ordinary skill in the pertinent art without undue experimentation would not be enabled to make or use the invention as claimed.

Also regarding claim 3, synchronization object is claimed to define the state of the database. Because synchronization object or an exemplary embodiment thereof is not described in the specification, a person having ordinary skill in the pertinent art without undue experimentation would not be enabled to make or use the invention as claimed.

Regarding claims 6 and 13, synchronization object is claimed to detect further modification since current synchronization. Because synchronization object or an exemplary embodiment thereof is not described in the specification, a person having ordinary skill in the pertinent art without undue experimentation would not be enabled to make or use the invention as claimed.

Regarding claims 7 and 12 applicant limits synchronization object to a "random number generated in the removable device". A person having ordinary skill in the pertinent art without undue experimentation would not be able to use a random number generated to meet the above stated functions (e.g. detect further modifications since current synchronization).

Further, applicant admits smartcard to be lacking memory resources. It is unclear to the examiner how modifications could be stored on the smartcard as part of

Art Unit: 2112

the synchronization object due to this limitation (e.g. claim 4 "the removable device answers with the identifiers of the database items modified, added, deleted).

19. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. Claims 1-10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Lines 8-9 of claim 1 refer to the synchronization step, "once synchronization step between the two databases has been successfully performed." However, this essential step does not appear in the claim. This step is therefore considered by examiner to be omitted. See also claims 8, 9, and 10.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

21. Claims 1-9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1,8 and 9, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 1,8 and 9, the phrase, "of the same nature" renders the claim indefinite because the language is not specific.

Art Unit: 2112

Regarding claim 2, line 2, the limitation, "later synchronization process", has insufficient antecedent basis in the claim.

Regarding claim 5, line 1, the limitation, "the device", has insufficient antecedent basis in the claim.

Regarding claim 6, line 2, the limitation, "the device", has insufficient antecedent basis for this limitation in the claim.

Regarding claim 8, examiner notes in lines 4-5 the apparent means plus function construction, "means ... for receiving." However, the examiner is unable to find an appropriate referencing section in the specification for its function. Therefore, the applicant has in effect failed to particularly point out and distinctly claim the invention.

Also regarding claim 8, while the preamble of the claim purports to claim a smartcard no characteristics are set forth in describing a smartcard that would allow it to perform the functions as proposed in the body of the claim. Hence, there are no particular features of a smartcard claimed. Therefore, the applicant has in effect failed to particularly point out and distinctly claim the invention.

Regarding claim 9, the phrase "said database" renders the claim indefinite because it is uncertain if the term refers to the first database or the second database.

Also regarding claim 9, line 10, the limitation, "said two system", has insufficient antecedent basis in the claim.

Also regarding claim 9, a system, which includes a removable device, is purported to being able to communicate to the removable device, which is a part of a

Art Unit: 2112

system itself. Therefore it is not clear if a smartcard is part of the system as claimed rendering the claim indefinite.

Regarding claim 13, line 1, the limitation, "the device", has insufficient antecedent basis in the claim.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

22. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

23. Claims 1,2,7-12, as well as understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Novak et al., US Patent Application Publication No. US 2003/0037020 A1.

Regarding claim 1, Novak et al. shows:

A method for synchronizing data stored in two different databases (40, [0004]) of the same nature, at least one of the two databases being stored in a removable device ([0004]), in particular a smartcard (50), said removable device communicating with a system ([0010]), characterized in that, for databases synchronization purpose, a

Art Unit: 2112

program ([0030]) external to said removable device sends a command to the removable device for setting ([0030], last line) a synchronization object (checksum, [0030]) to said first database([0004]), a synchronization object being affected ([0030]) to said first database, said synchronization object being also affected to the second database(40), once the synchronization step between the two databases has been successfully performed([0032]), said object defining the last database synchronization which has been performed between said two databases ([0032]).

Regarding claim 2, Novak et al. shows:

The method according to claim 1, characterized in that it comprises, when a later synchronization process has to be performed between the first and the second databases (Fig 6B), the step of reading the synchronization object affected to the first database and compares (Fig 6B: block 600) it with the synchronization object affected to the second database (Fig 6B: block 600), and if the objects matches (Fig 6B: block 602), each of the records that was modified from one of the databases is modified in the other database(Fig 6B block 606, [0033]).

Regarding claims 7 and 12, see the use of random number in [0027] of '020.

Regarding claim 8, Novak et al. shows:

A removable device, in particular a smart card (50), being able to communicate with a system ([0010]), said removable device including a first database ([0004]) able to be synchronized with a second database (40) of the same nature, characterized in that it comprises means for, when a synchronization step is initiated between said two databases ([0032]), receiving a command initiated by an external system requesting to

Art Unit: 2112

set a synchronization object to said first database (checksum, [0030]), a synchronization object being affected ([0030]) to said first database, said synchronization object being also affected to the second database once the synchronization step between the two databases has been successfully performed ([0032]), said object defining the last database synchronization which has been performed between said two databases([0032]).

Regarding claim 9, Novak et al. shows:

A system able to communicate with a removable device, in particular a smart card (50), said removable device including a first database ([0004]) to be synchronized with a second database (40) of the same nature, characterized in that it comprises a program ([0030]) for setting each time a synchronization step ([0032]) is initiated between said two databases, a synchronization object to said database for affecting ([0030]) a synchronization object (checksum, [0030]) to said first database ([0030]), this synchronization object being also affected to said second database once the synchronization step between the two databases has been successfully performed ([0032]), said object defining the last database synchronization which has been performed between said two systems([0032]).

Regarding claim 10, Novak et al. shows:

A computer program product for system able to communicate with a removable device (50), said removable device storing a first database ([0004]) to be synchronized with a second database (40), the computer program product including an instruction set which when the instruction set is loaded in the system, makes the system perform, when a

Art Unit: 2112

synchronization is initiated ([0032]) between said first database and said second database, a setting step in which a command is send ([0030]) to said removable device for setting a synchronization object to said first database, a synchronization object being affected to said first database([0030]), said synchronization object being also affected to the second database once the synchronization step between the two databases has been successfully performed([0030]), said object defining the last database synchronization which has been performed between said two databases and being used for future synchronization step between these two databases([0032]).

Regarding claim 11, Novak et al. shows:

A computer program product for a removable device able to communicate with a system ([0010]), said removable device storing a first database ([0004]) to be synchronized with a second database (40), the computer program product including an instruction set which when the instruction set is loaded in the system, makes the removable device, when a synchronization is initiated ([0032]) between said first database and said second database,

A receiving step in which the removable device receives a command coming from an external system, said command having the function of setting a synchronization object ([0030])

An execution step in which said program executes the command in setting the generation of a synchronization object to be affected to said first database ([0030]), said synchronization object being also affected to the second database once the synchronization step between the two databases has been successfully performed

Art Unit: 2112

[[0032]], said object defining the last database synchronization which has been performed between said two databases ([0032]).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 3,6 and 13, as well as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al.

Regarding claim 3, Novak et al. teaches all the limitations of claim 3 (See use of Novak et al. in rejection of claim 2 above) except, it does not expressly disclose removable device proposing new synchronization object.

It is old and well known in the art of synchronization to propose a new synchronization object at the end of the synchronization in order to precisely identify the state of last synchronization.

It would have been obvious to one having ordinary skill in the pertinent art at the time the invention was made that a device of Novak et al. can propose a new synchronization object after the synchronization and apply it to both databases of Novak

Art Unit: 2112

et al as recalculated checksums in order to speed up the process of synchronization for the future by identifying more precisely the state of last synchronization.

Regarding claims 6 and 13, Novak et al. teaches all the limitations of claim 3 (See use of Novak et al. in rejection of claims 1 and 3 above) except, it does not expressly disclose device informing the removable device that the synchronization has been successfully performed.

It is old and well known in the art of synchronization for devices being synchronized to inform each other of the success of the synchronization currently being performed.

It would have been obvious to one having ordinary skill in the pertinent art at the time the invention was made that device of Novak et al. can inform the removable device of Novak et al. the success of the synchronization. Motivation to do so would be to let the removable device know so it can recalculate the checksum and replace the old checksum by the new one.

26. Claims 4,5, as well as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak et al. in view of Ahlgren et al. US Patent No. 6968209 B1.

Regarding claim 4, as set forth in the rejection of claim 1 above, Novak et al. shows all the claimed limitations except, it does not expressly disclose that a removable device can be asked for its modifications.

However, Ahlgren et al. teaches that changes between change log stored on the device and changes made in SIM card can be synchronized (Col 4, line 55 – Col 5, line 11).

Art Unit: 2112

It would have been obvious to one having ordinary skill in the art at the time the invention was made to synchronize the device of Novak et al. with the SIM card of Novak et al. in order to speed up the synchronization, as taught by Ahlgren et al.

Regarding claim 5, as set forth in the rejection of claim 4 above, Novak et al. shows all the claimed limitations except, it does not expressly disclose that the device is able to make use of a local copy of the removable device memory (Col 4, lines 24-29, checksum is stored both in the SIM and phone) to obtain the database content and to follow with the data synchronization process.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to store information on the device of Novak et al. and in the SIM card of Novak et al. in order to speed up the synchronization, as taught by Ahlgren et al.

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Birkler et al. (US Patent 6,560,700 B1) teaches a method for synchronizing databases on mobile devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aleksandr Kerzhner whose telephone number is (571) 270-1760. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

Art Unit: 2112

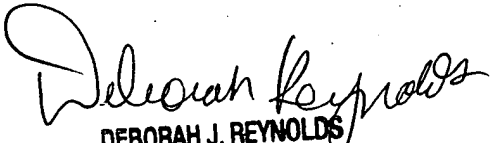
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK

AK

1/10/2007


DEBORAH J. REYNOLDS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1800 OPT